

Leshner, Mark

From: Catlin, Kelley
Sent: Tuesday, March 12, 2019 4:20 PM
To: EST Inc
Cc: Michael Fischer; Leshner, Mark
Subject: RE: EST - Final SEP Report Delinquent

Mr. Patel,

Thank you for your timely response to our letter. We look forward to reviewing the Final SEP Report on Monday, March 18. We continue to reserve our rights to pursue any and all stipulated penalties which result in non-compliance with the Consent Agreement and Final Order.

With regard to the compliance issues, the [EPA label review manual](#) provides a user friendly definition of the term "plant growth regulator claims". While EPA regulations are what we are enforcing, I think this is a helpful section of the manual because it provides some specific examples of plant growth regulator claims. Mr. Leshner reviewed your website on March 5, 2019 and an example of a product on the webpage which was making plant growth regulator claims was NPK 3-16-12 Tomato Plus which states "Use this blend to promote flower production in plants". This is a plant growth regulator claim and must be removed from your website and the labels affixed to these products. This is just one of many examples.

If these products have any "active ingredient" with known plant growth regulator purposes, then they must be registered under FIFRA or discontinued.

I hope this gives you some direction on how to manage your compliance moving forward. Kelley

D. Plant Growth Regulators

A plant growth regulator, through physiological action, is intended to accelerate or retard growth, or alter plant behavior or the produce of the plant. Examples of claims that can be considered to be plant growth regulator claims include: increased blossom set, stimulation of root or plant growth, prevention of sucker growth, delayed onset of sprouting of harvested root crops, abscission stimulation of fruit crops, stimulates plant growth and fruiting, promotes fruit and seed development, increases stem and stalk strength, and increases fruit size. Whether a product is considered to be a plant growth regulator depends on whether the plant response or mode of action being claimed would go beyond what would be expected from simple nutrition. The composition of the product may aid in making the determination.

1. **Plant hormones and other compounds**, such as auxins, cytokinins, and gibberellins have no other uses except as plant growth regulators. Therefore, the presence of any of these types of compounds generally causes a product to be considered a plant growth regulator.

2. **A vitamin-hormone horticulture product** is not a plant growth regulator if the product is not intended for use on food crops and is labeled accordingly, and meets the other criteria 40 CFR 152.6(f). Vitamin-hormone horticulture products containing auxins, cytokinins, and gibberellins are exempt from registration if these criteria are met.

Kelley Catlin
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From: EST Inc <est@estchemicals.com>
Sent: Monday, March 11, 2019 6:02 PM
To: Catlin, Kelley <Catlin.Kelley@epa.gov>
Cc: Michael Fischer <mfischer@paynejones.com>
Subject: RE: EST - Final SEP Report Delinquent

Ms Catlin

Re: Final SEP Report

We have made several attempts/ reminders to Mr Madhu via e mail, phone and text messages to send this final SEP report to you, since we initially received your letter dated Oct - 2nd 2018. Today i called him and left message on his office and cell phone, just waiting to hear from him.

According to our website review the products contained pesticidal claims were removed last year when us and Mr Madhu perform second review of all the product listed on our website. Just for clarifications, We have never use plant growth regulators in any of our products in past or present.

We are as of now taking off all the Agricultural products from our website to double check if there is any product left with pesticidal claim. It will be greatly appreciated if EPA review of web page can help us point out specific products that may have language associated with pesticidal claim. We are open for your recommendations and suggestion to solve this matter ASAP.

Thank you very much for your help and support.

Sincerely
Vinay Patel

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----- Original Message -----

Subject: EST - Final SEP Report Delinquent
From: "Catlin, Kelley" <Catlin.Kelley@epa.gov>
Date: Mon, March 11, 2019 4:14 pm

To: "Michael J. Fischer" <mfischer@paynejones.com>
Cc: EST Inc. <est@estchemicals.com>, Madhu Mandava <Madhu@mandava.com>,
"Leshner, Mark" <Leshner.Mark@epa.gov>

#wmQuoteWrapper /* Font Definitions */ @font-face {font-family:"Cambria Math"; panose-1:2 4 5 3 5 4 6 3 2 4;} #wmQuoteWrapper @font-face {font-family:Calibri; panose-1:2 15 5 2 2 2 4 3 2 4;} #wmQuoteWrapper /* Style Definitions */ p.MsoNormal, #wmQuoteWrapper li.MsoNormal, #wmQuoteWrapper div.MsoNormal {margin:0in; margin-bottom:.0001pt; font-size:11.0pt; font-family:"Calibri",sans-serif;} #wmQuoteWrapper a:link, #wmQuoteWrapper span.MsoHyperlink {mso-style-priority:99; color:#0563C1; text-decoration:underline;} #wmQuoteWrapper a:visited, #wmQuoteWrapper span.MsoHyperlinkFollowed {mso-style-priority:99; color:#954F72; text-decoration:underline;} #wmQuoteWrapper span.EmailStyle17 {mso-style-type:personal-compose; font-family:"Times New Roman",serif; color:windowtext;} #wmQuoteWrapper .MsoChpDefault {mso-style-type:export-only; font-family:"Calibri",sans-serif;} #wmQuoteWrapper @page WordSection1 {size:8.5in 11.0in; margin:1.0in 1.0in 1.0in 1.0in;} #wmQuoteWrapper div.WordSection1 {page:WordSection1;}

Gentlemen,

Please see attached letter.

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